

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
DECEMBER 10, 2018

7:30PM

(Sound Check)

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. LATE FILE ITEMS
5. COMMENDATION FOR SENATOR KATHLEEN O'CONNOR IVES
6. PUBLIC COMMENT
7. MAYOR'S COMMENT

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

8. APPROVAL OF MINUTES

November 26, 2018

(Approve)

9. TRANSFERS

- **TRAN036_12_10_18** HR Sal Dir \$2000 to HR Ad \$500, HR Supplies \$1500 (B&F)

10. COMMUNICATIONS

- **COMM099_12_10_18** 2019 Class II Vehicle License – Plum Autoworks, Inc. (L&P)
- **COMM100_12_10_18** 2019 Class II Vehicle License – RL Currie Corp. (L&P)
- **COMM101_12_10_18** 2019 Class II Vehicle License – LCA Motors (L&P)
- **COMM102_12_10_18** 2019 Class II Vehicle License – State Automotive Repair (L&P)

11. APPOINTMENTS

Re-Appointments, To Be Referred to Planning & Development

- **APPT074_12_10_18** Stephen J. Moore 10 N Atkinson St Conservation Comm 12/1/2021
- **APPT075_12_10_18** Jennifer Blanchet 4 Island Ln, Newbury Zoning Admin 12/31/2020

END OF CONSENT AGENDA
REGULAR AGENDA

12. MAYOR'S UPDATE

13. APPOINTMENTS

Second Reading

- **APPT073_11_26_18** Ronald F. Senter 10 Madison St Special Police Officer

14. ORDERS

- **ORDR081_12_10_18** 2019 City Council Schedule

15. ORDINANCES

- ODNC026_11_13_18 Amendment to Dog License Fees (2nd Reading)

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- ORDR071_10_29_18 CPC FY2019 Custom House Slate Roof
- TRAN033_11_26_18 Rev Comm on Disabilities \$3,300 to Accessible Swings \$3,300
- TRAN034_11_26_18 Free Cash \$19,750 to Hwy Maint - Tree \$19,750
- TRAN035_11_26_18 RSV App - DPW Gas \$80K to DPS Highway Fuel & Oil \$80K
- ORDR078_11_26_18 Gift Acceptance - Accessible Swings \$3,300

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM098_11_26_18 A-Frame – Life is Good

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees

Planning & Development

In Committee:

- ODNC003_01_29_18 Zoning - Amendment to Table of Use Regulations
- ODNC008_02_12_18 Disposition of G. W. Brown School
- ORDR024_04_09_18 Special Act to Dissolve Newburyport Redevelopment Authority (COTW)
- ODNC014_04_30_18 Amendment to Demolition Delay
- ORDR036_05_14_18 Marijuana Retailers Ballot Question
- ORDR074_11_13_18 Safe Routes to School – High Street
- ORDR076_11_13_18 Marijuana Ballot Question
- ODNC027_11_13_18 Zoning Map Amendment – Storey Ave

Public Safety

In Committee:

- ODNC009_02_12_18 Floating Homes, Houseboats, and Related Marinas
- ORDR031_04_30_18 No Parking Titcomb from Pleasant to Merrimac
- ORDR032_04_30_18 No Parking Merrimac St from Titcomb St Running Westerly
- ORDR059_08_27_18 Parking Hales Court, Waterfront Trust

- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones
- **ORDR079_11_26_18** Holiday Parking

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A
- **ORDR077_11_26_18** Amendment to Council Rule 20

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 26, 2018

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Connell. 11 present.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**

4. LATE FILE ITEMS – ORDR080_11_26_18 Cross Country Team Resolution

Motion to waive Rule 16 to allow late files by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to take out of order by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted. Council President Connell read a resolution in recognition of the Boys Cross Country Team for winning the State Championship. The coach and members of the team were present to hear the resolution. They received a standing ovation.

5. PUBLIC COMMENT

1. Matt Kane	63 Curzon Mill Rd	Opt Out NBPT
2. Thomas Murray	2 Toppans Ln	Opt Out NBPT
3. Lyndi Lanphear	347 High St	Opt Out NBPT
4. Connie Preston	18 Atwood St	Tree Comm
5. Pat Daniels	234 Low St	Opt Out NBPT
6. Mark Donovan	17A Harrison St	Opt Out NBPT
7. Lynn Schow	75 High St	Opt Out NBPT

CONSENT AGENDA

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6. APPROVAL OF MINUTES

November 13, 2018

(Approve)

7. TRANSFERS

- **TRAN033_11_26_18** Rev Comm on Disabilities \$3,300 to Accessible Swings \$3,300 (B&F)
- **TRAN034_11_26_18** Free Cash \$19,750 to Hwy Maint - Tree \$19,750 (B&F)
- **TRAN035_11_26_18** RSV App - DPW Gas \$80K to DPS Highway Fuel & Oil \$80K (B&F)

8. COMMUNICATIONS

- **COMM098_11_26_18** A-Frame – Life is Good (L&P)

9. APPOINTMENTS

- **APPT073_11_26_18** Ronald F. Senter 10 Madison St Special Police Officer

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve Consent Agenda by Councillor Zeid, seconded by Councillor Giunta. So voted.

10. MAYOR'S UPDATE

11. APPOINTMENTS

Second Reading

- APPT067_11_13_18 Karen Popken 49 Boardman St CPA (Parks Rep) 10/31/2021
- APPT068_11_13_18 Patricia Cannon 185 High St Cultural Comm 10/30/2021
- APPT069_11_13_18 Adrienne Silversmith 4 Willow Ave Cultural Comm 10/30/2019

Re-Appointments

- APPT070_11_13_18 Aine G. Ellrott 43 Purchase St Emma Andrews Comm 10/30/2019
- APPT071_11_13_18 Elizabeth Valeriani 29 Oak St Emma Andrews Comm 10/30/2019
- APPT072_11_13_18 Elizabeth L. Watson 53 Warren St, #315 Emma Andrews Comm 10/30/2019

Motion to approve Second Reading appointments by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

12. ORDERS

- **ORDR077_11_26_18** Amendment to Council Rule 20
Motion to refer to Rules by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR078_11_26_18** Gift Acceptance - Accessible Swings \$3,300
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR079_11_26_18** Holiday Parking
Motion to refer to Public Safety by Councillor Giunta, seconded by Councillor Tontar. So voted.

13. ORDINANCES

- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **ODNC028_11_26_18** Parks & Recreation Fees
Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor OBrien. So voted.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR071_10_29_18** CPC FY2019 Custom House Slate Roof
- **COMM097_11_13_18** Morrill Foundation Funding Directive
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor OBrien. So voted. Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ODNC026_11_13_18** Amendment to Dog License Fees
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Eigerman). Motion passed.

Education

Councillor Giunta reminded everyone there will be a School Committee meeting on Tuesday, November 27th at the Bresnahan School and announced the next Education Committee meeting on December 3rd 5:30pm at the Senior/Community Center.

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ORDR074_11_13_18** Safe Routes to School – High Street
- **ORDR076_11_13_18** Marijuana Ballot Question
- **ODNC027_11_13_18** Zoning Map Amendment – Storey Ave

Public Safety

In Committee:

- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones
- **ORDR073_10_29_18** Stop Sign – Newhall Lane at Elizabeth Lane
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor OBrien. So voted.
- **COMM093_11_13_18** Ladies' Night Out Run/Walk - 12/1/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Khan. So voted.
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor Khan. So voted (1 no – Connell).
- **COMM094_11_13_18** Frigid Fiver - 1/27/2019
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor Khan. So voted.
- **ORDR075_11_13_18** Restricted Parking – Johnson Street

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor Tontar. So voted.

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Khan. So voted. 8:28pm.

TRANSFERS



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 DEC -3 PM 4:07

Department: Human Resources

Submitted by: Lori Bunyan, HR Director

Date Submitted: 12/10/2018

Transfer From:

Account Name	<u>HR SAL DIRECTOR</u>	YTD Bal:	\$ 58,160.82
Account Number:	<u>01152001-51101</u>	Trans In:	\$ -
Amount:	<u>\$2,000.00</u>	Trans Out:	\$ -
Why are Funds Available:	<u>Due to a vacancy in this position at the start of the fiscal year.</u>		



Transfer To:

Account Name	<u>HR ADVERTISING</u>	YTD Bal:	\$ 913.88
Account Number:	<u>01152002-53009</u>	Trans In:	\$ -
Amount:	<u>\$500.00</u>	Trans Out:	\$ -
Why are Funds Needed:	<u>To pay for the necessary advertising required to recruit and fill open positions in the City.</u>		

Transfer To:

Account Name	<u>HR OFFICE SUPPLIES</u>	YTD Bal:	\$ 428.48
Account Number:	<u>01152004-54200</u>	Trans In:	\$ -
Amount:	<u>\$1,500.00</u>	Trans Out:	\$ -
Why are Funds Needed:	<u>This line item was reduced from \$3,000 to \$1,500 in FY2018. I am requesting that the line item increase back to \$3,000 for FY19 as a result of additional mailings that have been and will be required, as well as office equipment that was needed to set up the new 1st floor HR office. HR and payroll was centralized out of the same space to help improve service to employees /retirees.</u>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Date:

12/3/18

Date:

12/3/18

COMMUNICATIONS

THE COMMONWEALTH OF MASSACHUSETTS

CITY CLERK'S OFFICE
NEWBURYPORT, MA

OF

2018 NOV 30 AM 8:52

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Plum Auto works Inc

Business address of concern. No. 71 Storey Ave St.,
Newburyport MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____

Corp

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Nancy J London

Secretary " "

Treasurer " "

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? yes
(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? yes For what year? _____
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full John A. Powers G.M.
(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd Haverhill MA 01832

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

ISSUED THROUGH

A. A. DORITY COMPANY

BOSTON

CONTINUATION CERTIFICATE

The **NGM Insurance Company**, hereinafter called the Company, hereby continues in force its **MA Used Car Dealer** Bond Number **148623**

in the sum of **Twenty-Five Thousand dollars (\$25,000.00)**

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

in favor of **City of Newburyport, MA**

for the term beginning **December 31, 2018** and ending on **December 31, 2019**, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, November 1, 2018

NGM Insurance Company

By: 

Katie E. Connor

Attorney-in-Fact

A. A. DORITY COMPANY, Inc.

262 Washington Street, Suite 99

Boston, MA 02108

(617) 523-2935 Fax: 617-523-1707

THE COMMONWEALTH OF MASSACHUSETTS

OF

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 DEC -3 PM 1:19

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a SECOND class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? R L Currie Corp.

Business address of concern. No. 6 New Pasture Rd St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? CORPORATION

3. If an individual, state full name and residential address. N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it. N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President RANDY L Currie III Georgetown Rd West Newbury Ma.

Secretary ''

Treasurer ''

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

5 ACRES +/- INCLUDING A 10,000⁺-SQ FT CONCRETE BLOCK BUILDING - HOUSING REPAIR FACILITIES AS WELL AS OFFICES

8. Are you a recognized agent of a motor vehicle manufacturer? NO

(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? NO

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES

(Yes or No)

If so, in what city — town NEWBURYPORT

Did you receive a license? YES
(Yes or No)

For what year? 2005 - 2018 +/-

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO
(Yes or No)

Sign your name in full Jandy L. Rowe
(Duly authorized to represent the concern herein mentioned)

Residence 111 GEORGETOWN RD
WEST NEWBURY MA 01985

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)



Boston
20 Riverside Road
Mail Stop 03AN
Weston, Massachusetts 02493-2281
+1 (800) 647-1113 Fax: +1 (866) 547-4882

Continuation Certificate

To be attached to and form a part of surety bond number LSF006317 (the "Bond"), cross reference bond number 5010479 for Used Dealers and Salesmen dated the 25th day of October, 2007, in the penal sum of 25,000 USD issued by The Ohio Casualty Insurance Company as surety (the "Surety"), on behalf of RL Currie Corp as principal (the "Principal"), in favor of CITY OF NEWBURYPORT, as obligee (the "Obligee").

The Surety hereby certifies that this Bond is continued in full force and effect until the 25th day of October, 2019, subject to all covenants and conditions of said Bond.

Said Bond has been continued in force upon the express condition that the full extent of the Surety's liability under said Bond, and this and all continuations thereof, for any loss or series of losses occurring during the entire time the Surety remains on said Bond, shall in no event, either individually or in the aggregate, exceed the penal sum of the Bond.

IN WITNESS WHEREOF, the Surety has set its hand and seal this 27th day of July, 2018.

The Ohio Casualty Insurance Company

(Surety)

By: Timothy A. Mikolajewski
Timothy A. Mikolajewski, Assistant Secretary



Compass
auto works

- Oil Changes - Brakes - Exhaust
- Shocks - Struts
- Air Conditioning
- Electrical - Diagnostics
- State Inspections
- Complete Car Care



6 New Pasture Road,
Newburyport, MA 01950

978-465-3360

MASSACHUSETTS



VEHICLE CHECK

Cleaner Air • Safer Roads



Randy L. Currie
randy@compassautoworks.com

978-465-3360 office
978-375-3856 cell
978-465-8927 fax

THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

REC'D
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 DEC -4 AM 8:14

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Class II class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? LCA Motors

Business address of concern. No. 4 Lt. Leary Drive St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Individual

3. If an individual, state full name and residential address.

Charles Ciovacco 4 Lt. Leary Drive Newburyport

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Sale of used automobiles over the internet. from
a residence. No autos are kept in the neighborhood.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes
(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? Yes For what year? 2005 to present
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof
ever been suspended or revoked? No
(Yes or No)

Sign your name in full Alamy Lewis
(Duly authorized to represent the concern herein mentioned)

Residence 4 Lt. Leary Drive Newburyport

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

THE COMMONWEALTH OF MASSACHUSETTS

City Newburyport OF Newburyport

2018 DEC -5 AM 9:55

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2 class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? State Automotive Repair

Business address of concern. No. 196 Route One St., Newburyport MA 01950 City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? LLC (Single Member)

3. If an individual, state full name and residential address.

LLC Manager: Andrew J. de Bernardo
16 Hickory Lane, Topsfield MA 01983

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? No

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive Repair occupies approximately 1/2 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of the building.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer _____


9. Have you a signed contract as required by Section 58, Class 1? N/A
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes
(Yes or No)

If so, in what city — town Newburyport, MA

Did you receive a license? Yes For what year? 2016 - 2018
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full 
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT CITY CLERK'S OFFICE
OFFICE OF THE MAYOR NEWBURYPORT, MA
DONNA D. HOLADAY, MAYOR 2018 DEC -5 PM 2:05

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 28, 2018
RE: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Conservation Commission. This term will expire on December 1, 2021.

Stephen J. Moore
10 North Atkinson Street
Newburyport, MA 01950



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA
2018 DEC -5 PH 2:05

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 29, 2018
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as the Zoning Administrator for the City of Newburyport. This term will expire on December 31, 2020.

Jennifer Blanchet
4 Island Lane
Newbury, MA 01951

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT073_11_26_18 Ronald F. Senter 10 Madison St Special Police Officer

Motion to approve Consent Agenda by Councillor Zeid, seconded by Councillor Giunta. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Be it ordained by the City Council of the City of Newburyport as follows:

2019

City Council Meetings 7:30 PM in the Council Chambers, City Hall.

January 14, 2019
January 28, 2019

February 11, 2019
February 25, 2019

March 11, 2019
March 25, 2019

April 08, 2019
April 29, 2019

May 13, 2019
May 28, 2019

Tuesday

Monday (May 27, 2019 – Memorial Day)

June 10, 2019
June 24, 2019

July 08, 2019
July 29, 2019

August 12, 2019
August 26, 2019

September 09, 2019
September 30, 2019

October 15, 2019 **Tuesday** **Monday (October 14, 2019–Columbus Day)**
October 28, 2019

November 12, 2019 **Tuesday** **Monday (November 11, 2019- Veterans Day)**
November 26, 2019

December 09, 2019

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 13, 2018

AN ORDINANCE TO AMEND THE NEWBURYPORT CODE OF ORDINANCES REGARDING DOG LICENSE FEES AND FINES

Be it ordained by the City Council of the City of Newburyport as follows:

THAT the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by amending existing subdivision (c) of Section 3-27, of ARTICLE II. – DOGS of CHAPTER 3 – ANIMALS, to read as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

ARTICLE 2. – DOGS

Sec. 3-27. – Licensing of Dogs and Kennels.

(c) The owner or keeper of an unlicensed dog after June first shall be fined ~~twenty-five dollars (\$25.00)~~ ten dollars (\$10.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after July first shall be fined ~~fifty dollars (\$50.00)~~ twenty dollars (20.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after August first shall be fined ~~one hundred dollars (\$100.00)~~ thirty dollars (30.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the city.

Councillor Charles F. Tontar

In City Council November 26, 2018:

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Eigerman). Motion passed.

COMMITTEE ITEMS

December 10, 2018
Committee on Budget & Finance

- **TRAN033_11_26_18** - Rev Common Disabilities \$3,300 to Accessible Swings \$3,300.
- **TRAN034_11_26_18** - Free Cash \$19,750 to Hwy Maint- Tree \$19,750.
- **TRAN035_11_26_18 RSV App** - DPW Gas \$80K to DPS Highway Fuel & Oil \$80K.
- **ORDR078_11_26_18** - Gift Acceptance - Accessible Swings \$3,300.



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
NOV 20 AM 11:26

Department: Commission on Disabilities

Submitted by: Jennie Donahue, Chair

Date Submitted: 11/26/2018

Transfer From:

Account Name	Rev Commission on Disabilities	YTD Bal:	\$ 20,382.47
Account Number:	2809-59600	Trans In:	\$ -
Amount:	\$3,300.00	Trans Out:	\$ -
Why are Funds Available:	<i>Handicapped parking fines go into the Commission on Disabilities Revolving Fund.</i>		

Transfer To:

Account Name	Accessible Swings	YTD Bal:	\$ -
Account Number:	New Account	Trans In:	\$ -
Amount:	\$3,300.00	Trans Out:	\$ -
Why are Funds Needed:	<i>To purchase and install special needs swings at Newburyport playgrounds.</i>		
	<i>The Commission on Disabilities recommends this appropriation as a match to the funds donated by the Special Needs Swings fundraiser.</i>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 11/20/18
Date: 11/20/18



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 11/26/2018

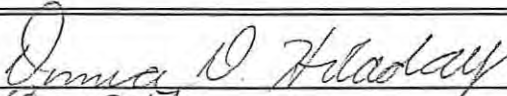
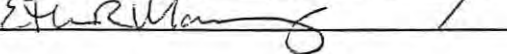
Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,130,614.00
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$19,750.00	Trans Out:	\$ (15,100.00)
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2019 at \$2,145,714. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>		

Transfer To:

Account Name	HWY Maint-Tree	YTD Bal:	\$ 48,262.88
Account Number:	01421002-52404	Trans In:	\$ -
Amount:	\$19,750.00	Trans Out:	\$ -
Why are Funds Needed:	<i>To purchase, plant and care for 15 trees in Spring 2019 (\$9,750) and treat Ash trees for Emerald Ash Borer (\$10,000). See attached memo from the Tree Commission.</i>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Date: 11/20/18
Date: 11/20/18

Subject: Free Cash Request
Date: November 13, 2018
To: Mayor Donna Holaday

The following proposal is a dual request for \$19,750.

The first request is for \$9,750 to purchase, plant and care for 15 trees in Spring 2019. These are the number of unfunded trees that have been requested by City residents. This request builds upon the Tree Committee's success and experience in planting nearly 975 trees since 2002. This funding will allow us to meet the current tree requests.

Planting and caring for trees is the Commission's highest priority. These funds in a small way help counter the hazardous tree removal initiative that took down over 350 trees in the last three years. In considering this request, consider that it includes a request to purchase, plant, and care for the trees. Tree care is a distinct, but an inseparable element of tree planting.

The Tree Commission has learned, and can demonstrate, that the failure to provide care for trees that are planted makes the purchase and planting of the trees themselves effectively a waste of funds as the tree will not thrive, in fact it may well die in a short period of time. We are experiencing a failure rate of less than 1%.

The second request is for \$10,000 to fund the second year of a three year prophylactic program to treat Ash trees for the Emerald Ash Borer (EAB is an invasive insect that kills Ash trees). Since it was discovered last year that the EAB is only a few miles away from Newburyport it was time to begin to protect our most valuable street Ash trees. The only way the injection program is successful is to have consecutive treatments. Without this funding the moneys spent on the treatment last year will have gone to waste.

Thank you for your consideration.

Respectfully Submitted,

Crispin Miller, Chair, Tree Commission
Constance Preston, Vice-Chair & Treasurer
Paul Bevilacqua
Jane Niebling
Sheila Taintor, Secretary
David Dylewski
Scott Hanley
Katie Haried, Alternate
Paul Harrington, Alternate

c. Anthony Furnari, Director, Newburyport Department of Public Services



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 NOV 20 AM 11:53

Department: Department of Public Services

Submitted by: Anthony Furnari, Director

Date Submitted: 11/26/2018

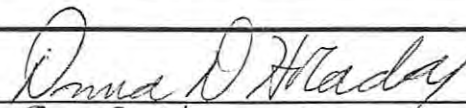
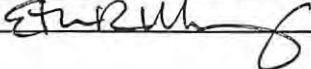
Transfer From:

Account Name	RSV APP - DPW GAS	YTD Bal:	\$	123,221.66
Account Number:	2722-59600	Trans In:	\$	-
Amount:	\$80,000.00	Trans Out:	\$	-
Why are Funds Available:	<i>This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.</i>			

Transfer To:

Account Name	DPS Highway-Fuel and Oil	YTD Bal:	\$	12,007.56
Account Number:	01421004-54801	Trans In:	\$	-
Amount:	\$80,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>Funds are required by buy gasoline and oil that is used by City vehicles.</i>			

Donna D Holaday, Mayor
Ethan R. Manning, City Auditor
City Council Approval: (Stamp)

Date: 11/20/18
Date: 11/20/18

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 26, 2018

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Jason Leblanc, on behalf donors to the Special Needs Swings – Newburyport fundraiser, in the amount of \$3,300.00 to be appropriated for the purpose of purchasing and installing special needs swings at playgrounds throughout the City of Newburyport. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar



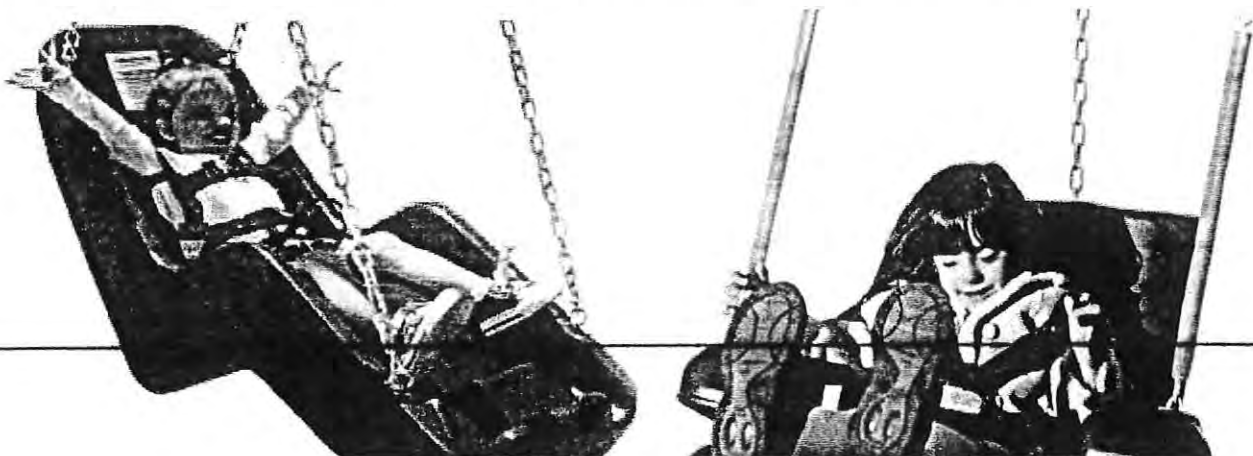
Special Needs Swings - Newburyport

Having a child with a rare syndrome is full of challenges. One of those challenges should never be telling your child they can't use the swings. Wherever kids are laughing, playing and full of joy, no child should ever be excluded. Special Needs Swings allows children like Alex to be apart of our community - And put simply, every child should have a swing to play on. This Go Fund Me will work to raise money for the specific purchase of these swings. All donations will be given directly to the Newburyport Commission on Disability (NCOD) to work with the parks commission on this initiative. Please help us to support our children with needs and give them the ability to swing at parks! We thank you for your support!

Also a special thanks to the Edwards Family for Lobbying to get this initiative in front of the town: See Link

http://www.newburyportnews.com/news/local_news/port-resident-advocates-for-special-needs-swings/article_cd3df6c9-4c63-56e0-901c-62ed71b6f928.html

We put a goal of \$2,000. However, these swings are unfortunately very expensive. Roughly \$600-\$1K each. Realistically the total initiative would need to generate approximately \$10K. This goal of \$2K would be a great start!



December 10, 2018
Committee Items-License & Permits

COMM098_11_26_18 A Frame Sign Life Is Good

Permit Issued: # _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

2018 NOV -9 AM 9:12

Application Fee \$100.00

Date: 11/9/18

FOR CITY CLERK'S OFFICE ONLY

Date Recorded _____

Expiration Date: _____

Amount Paid _____

To the City Council of the City of Newburyport:

The undersigned requests that he/she may be granted permission to place one (1) movable sign on public property and private rights-of-way open to the public. This permission will only be effective for the listed location, and will be subject to all of the terms, conditions, and limitations set forth in the Newburyport Code of Ordinances, and any applicable State and Federal laws and any condition prescribed by the City Council and/or City Departments, including, but not limited to, those conditions appearing below.

Name of applicant Heather Schwab

Home address of applicant 7 Chase St

City, State, Zip of applicant Newburyport MA 01950

Telephone of applicant 609 504 2564

Name of business Life is Good

Address of business 1 Merrimac St #4 Newburyport MA 01950

Telephone of business (978) 463-2010

Description of the location and movable sign to placed on the Public Way.

We would like to add an outdoor sign that we could put in Market Square letting customers know we are just around the corner. Since we

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY →

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, discharge and hold harmless, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Signature of Applicant or

Duly Authorized Agent

H Q Schwab

Date

11/7/18

moved, customers are still having trouble finding us in our new location.

It would be an A-frame sign similar to the one we already have in front of our store.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/13/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cross Insurance 491 Main Street P.O. Box 1388 Bangor ME 04401	CONTACT NAME: Kelly Burpee, CPCU, AAI
	PHONE (A/C, No, Ext): (207) 947-7345 FAX (A/C, No): 207-941-0849
	E-MAIL ADDRESS: kburpee@crossagency.com
INSURER(S) AFFORDING COVERAGE	
	INSURER A: Acadia Ins Co. NAIC # 31325
	INSURER B: Maine Employers Mutual Ins Co 11149
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: CL1873158396 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BOAS166057-14	7/21/2018	7/21/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	1810106066 310 2803575	7/22/2018 7/25/2018	7/22/2019 7/25/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of Newburyport is also an additional insured with respects to 1 Merrimac Street.

CERTIFICATE HOLDER	CANCELLATION
City of Newburyport 60 Pleasant Street Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Judith Cardimino/JCO <i>Judith Cardimino</i>

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December 10, 2018
Committee Items-
Planning & Development

ORDR036_05_14_18 Marijuana Retailers Ballot Question

ORDR076_11_13_18 Marijuana Ballot Question

ORDR074_11_13_18 Safe Routes to School – High Street

PRD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 14, 2018

Newburyport Ballot Question for Non-Medical Marijuana Retailer Ban

Shall this City adopt the following zoning and general ordinances?

Summary: This question seeks voter approval of a zoning ordinance and a general ordinance prohibiting non-medical marijuana retailers, to include entities licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, from locating and operating within the City. This ballot question and the related ordinances will not affect the location or operation of medical marijuana dispensaries or other non-medical marijuana establishments within the City.

A. Zoning Ordinance:

Section V-I, Prohibition of Non-Medical Marijuana Retailers. Consistent with G.L. c. 94G, Section 3(a)(2), "Marijuana Retailers" as defined in G.L. c. 94G, Section 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes..

B. General Ordinance:

Chapter 9, Article X, Prohibition of Non-Medical Marijuana Retailers. Consistent with G.L. c. 94G, Section 3(a)(2), "Marijuana Retailers", as defined in G.L. c. 94G, Section 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes.

Yes ___

No ___

Afroz Khan
At-Large City Councillor

Larry G. Giunta
Ward 5 City Councillor

Heather L. Shand
Ward 3 City Councillor

PAD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 13, 2018

Ballot Question

That the City Council of the City Newburyport hereby approves the following question to be placed on a special election ballot to be held as soon as practicable on a date set by the City Clerk:

"Consistent with G.L. c. 94G sec. 3(a)(2), "Marijuana Establishments" as defined in G.L. c. 94G, Section 1(j), the on-site consumption and use of marijuana at any business location, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes if licensed in accordance with applicable law."

Yes/No

Larry G. Giunta
Ward 5 City Councillor

Thomas F. OBrien
Ward 6 City Councillor

psd

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: November 13, 2018

THAT the so-called High Street "Safe Routes to School" (SRTS) Project as conceptually described in the Preliminary Assessment for the Nock Middle School & Molin Upper Elementary School (dated September 6, 2016) provided by the Massachusetts Department of Transportation (MassDOT) Safe Routes to School Program, and as further described in a memorandum to the City Council from the Office of Planning & Development (dated November 6, 2018), is hereby approved; and

THAT said High Street SRTS Project in its conceptual form is deemed consistent with the overall goals and objectives outlined in the 2004 High Street Master Plan, adopted by vote of the City Council on April 28, 2008.

Councillor Heather L. Shand

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 NOV -6 PM 2:15

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: SAFE ROUTES TO SCHOOLS PROJECT – HIGH STREET
DATE: 11/6/18

We are writing to respectfully request the City Council's approval of the proposed federally-funded "Safe Routes to Schools" (SRTS) High Street project in its conceptual form. The project will provide approximately \$2 million in federal construction funding for Newburyport in addition to covering the cost of engineering.

The SRTS project is focused on the section of High Street between Tyng and Buck Streets. The project and the SRTS program are intended to encourage students to walk and bicycle to school safely through physical infrastructure improvements such as sidewalks, crosswalks, traffic calming, signals, and bike lanes. The original 2005 federal legislation creating the SRTS program identified the purposes as: (1) *To enable and encourage children, including those with disabilities, to walk and bicycle to school;* (2) *To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age;* and (3) *To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.*

The roots of this particular project go back to 2013 when the City applied to the state SRTS program for an infrastructure assessment, the required first step, with a particular focus on the Nock-Molin schools. Consultants mapped student residency information, met with staff and community members, observed school arrival and dismissal patterns, reviewed collision histories, and collected traffic counts in order to identify improvements that will make walking and bicycling safer and more attractive modes of travel for children traveling to and from school, as well as everyone else. The assessment report was issued in 2016 and proposed the High Street project. Nearly half of the students in the Nock and Molin Schools – in addition to students at the High School and River Valley Charter School – reside within two miles of the schools on the north side of High Street, the street identified as having the greatest concentration of school-related walking and bicycling trips. School staff, officials, parents, and consultants have long identified safety concerns for students walking and bicycling to school across High Street due to the high volume and speed of motor vehicles, sight lines obscured by parked cars, wide crosswalks, relatively narrow bicycle lanes, as well as poor sidewalk conditions and noncompliant wheelchair ramps. The state considers the section of High Street between Tyng Street and Summit Place to be a high risk crash location for bicyclists within the region.

The City's goal for any work along High Street is to provide a safer, universally accessible, pleasing streetscape and transportation corridor that is sensitive to and compatible with the historic resources and character of the area. The SRTS project is consistent with the goals, objectives and primary strategies of the 2004 High Street Master Plan, which was adopted by the City Council in 2008 "in order to encourage the phased and long-term implementation of the Plan's recommendation, as amended and supplemented from time to time." The \$2 million project is focused on:

- reconstructing the sidewalks (new brick sidewalks where they are brick and new concrete sidewalks where they are asphalt and concrete) plus wheelchair ramps at intersections and crossings;
- adjusting locations and shortening the length of four crosswalks in order to reduce pedestrian exposure to motor vehicle traffic, including installing pedestrian-activated flashing beacons, and two pedestrian refuge islands for the crosswalks near the High School where the road is wider from the turning lanes;
- adjusting the curbing and creating bump-outs (similar to downtown) to reduce the excessively wide portions of the street, calm traffic, and open up the sight lines at crosswalks and intersections;
- installing drainage improvements, and resurfacing the pavement.

The design was initiated in early 2018 and included a public hearing in June 2018. Recently, the Newburyport Historical Commission voted to approve the project as not having an adverse effect on High Street. The High Street corridor has evolved incrementally over the course of centuries and reflects different time periods, architectural styles, and historic and contemporary needs. The public portion of the corridor has evolved markedly from the nineteenth century in order to meet contemporary needs (e.g., asphalt pavement, roadway markings, utility poles and lines, piecemeal evolution of sidewalks and curb cuts, etc.). Today the street carries some of the highest volumes of vehicular traffic in the Merrimack Valley with 18,000-19,000 vehicles per day. We are carefully considering numerous design choices and balancing many factors including historic resources, pedestrian safety, multiple stakeholders, controlling laws and regulations, etc. The project is supported by abutters along High Street, and by the Newburyport Livable Streets citizens group. The evolving plans are currently at a draft final stage, and we are continuing to work with MassDOT and other stakeholders to revise various elements of the plans.

Temporary construction easements are required for this federally-funded project on the abutting property owners' land in order to integrate the new sidewalks with driveways and walkways and restore adjacent grass areas, etc., as well as potentially some very small permanent easements at corners. The right-of-way process is similar to the Rail Trail projects, and we are currently reaching out to abutters and will be returning to the City Council in the coming months to approve the easements. At this point, the project is intended to be bid out by the Commonwealth in 2019 for construction.

Please see the attached associated documents:

- Draft City Council Order;
- Newburyport Historical Commission letter (October 25, 2018);
- High Street Schematic Crosswalk Plan (September 9, 2018);
- Before-and-After Photo Rendering of crosswalk at Toppans Lane (July 2018).

Please note that the SRTS Preliminary Assessment for the Nock Middle School & Molin Upper Elementary School is available on the Planning Office website, along with the current set of draft project plans, plus the High Street Master Plan. An 11x17 hard copy of the draft projects plans is also on file with the City Clerk and will be available during subcommittee review. Thank you for your consideration.



CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

October 25, 2018

Patricia A. Leavenworth, P.E., Chief Engineer
Massachusetts Department of Transportation, Highway Division
10 Park Plaza
Boston, MA 02116

Attn: Stacey Donahoe, Room 4260

Re: Safe Routes to School project #608972 – High Street corridor

Dear Ms. Leavenworth,

The Newburyport Historical Commission (NHC) has been asked to provide feedback on the Safe Routes to School (SRTS) project along a portion of High Street in Newburyport, which is within the Newburyport National Register Historic District. We recently received more information about the project, held a public meeting on 10/24/18 and conducted several votes on this matter. We are consequently providing revised comments from our previous letter to the Massachusetts Historical Commission dated September 2018 (received 10/11/18) on this project. The NHC's Section 106 advisory review of this project has been solicited under the National Historic Preservation Act (NHPA) of 1966, as amended.

Overall, the NHC finds that this project will not have an "Adverse Effect" on the surrounding historic assets. Please see our further comments and recommendations below regarding certain details of the project.

Sidewalks: While removal and replacement of the older brick sidewalks is not optimal from a historical perspective, we recognize and accept the pedestrian benefits of reconstructing the sidewalks with new wirecut brick. We also recognize that reconstructing the deteriorated sidewalks will potentially enhance the setting and views of the district's historic assets, and acknowledge the positive impact of similar projects such as the reconstruction of brick sidewalks along Green Street in Newburyport. We appreciate that the sidewalks along High Street will continue to be varying widths, that concrete and asphalt sidewalks will be replaced in-kind with new concrete, and that abutters will have an opportunity to pay for the installation of brick if they can afford it and so desire. If there are any remaining Works Progress Administration (WPA) plaques, we strongly recommend that they be salvaged for potential interpretation.

Raised curb pedestrian refuge islands: We recognize the pedestrian safety benefits of installing two pedestrian refuge islands with raised 6" granite curbs at crosswalks across the wider portions of the roadway in this busy high-volume thoroughfare. We also are cognizant that raised curb pedestrian refuge islands have been installed other historic/National Register districts in the Commonwealth. We strongly recommend that the appearance of the refuge islands be improved by laying in granite cobbles rather than concrete or brick inside the curbed non-walking surface.

Traffic calming: We appreciate that no over-road signaling beacons shall be used and that the Rectangular Rapid Flash Beacons (RRFBs) shall have black ornamental bases and poles.

Curbing: We are pleased that the project incorporates removing and resetting as much of the existing granite curbing as possible, and accept that it is appropriate to use new granite curbing (particularly radius pieces) for the new bump-outs and similar relocated curb areas. We acknowledge that it is appropriate to shift the curbing to reduce the width of the roadway at excessively wide areas in order to promote pedestrian and bicycle safety, and that reduction of the expanse of asphalt will likely enhance the district's historic assets.



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Signage: We prefer a minimum of signs, and acknowledge that the engineer has reduced unnecessary signage in the proposed plans, and that "pedestrian crossing" and arrow signage is warranted at the crosswalks as well as others such as stop signs, one-way signs at the school driveway, turning lane signs, and others. We continue to believe that street signs should be of a size no greater than their current dimensions in the project area.

Greenway: We understand that the green strips that separate High Street from the public sidewalk in various areas will remain, and will be expanded in the section between Kent and Buck Streets where the asphalt pavement area is being reduced.

As noted earlier and in light of the new information and clarifications, we find that this project will not have an "Adverse Effect" on the surrounding historic assets in this portion of the Newburyport National Register Historic District.

Should you have any questions, please feel free to contact me through the Newburyport Planning Office.

Best regards,

A handwritten signature in black ink, appearing to read 'Sarah White'.

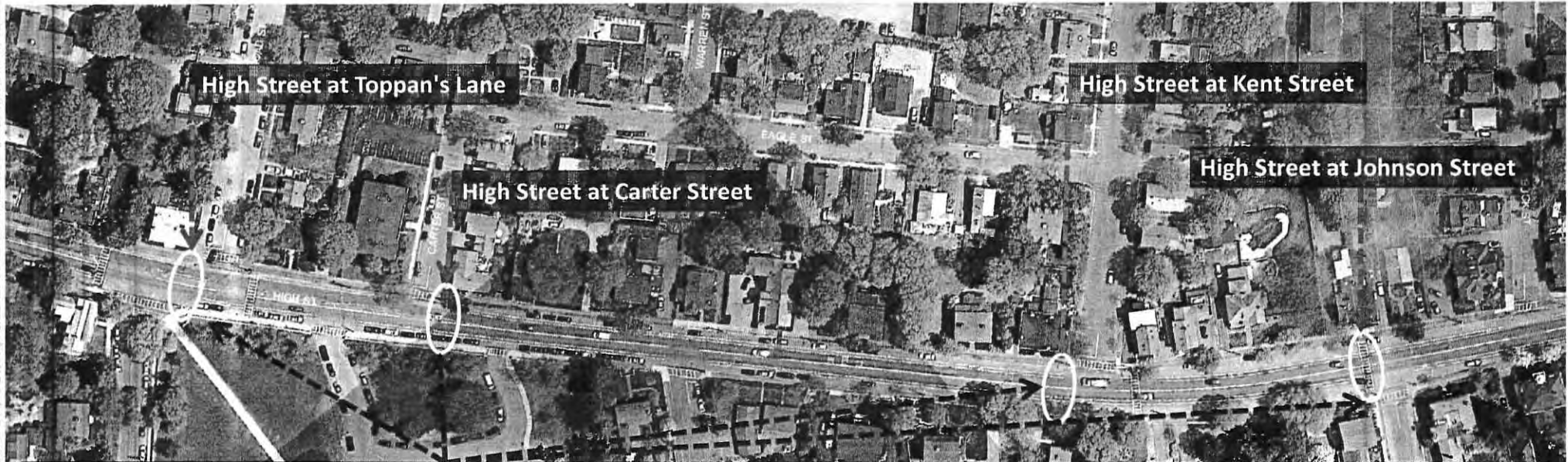
Sarah White, Chair
Newburyport Historical Commission

Stephen Dodge
Christopher Fay
Ron Ziemba
Glenn Richards
Malcolm Carnwath
Ned McGrath

Cc: Brona Simon, MHC
Linda Santoro, MHC
Geordie Vining, Newburyport Planning Office
Andrew Port, Newburyport Planning Office
David Shedd, MassDOT
Heather Shand, Ward 3 City Councilor

High Street Safe Routes to School (SRTS) Project

Schematic Plan of MassDOT Pedestrian Improvements (RRFB Pedestrian Crossings)



Example of Rectangular Rapid Flashing Beacon (RRFB): 4 in Total



Hybrid Beacon

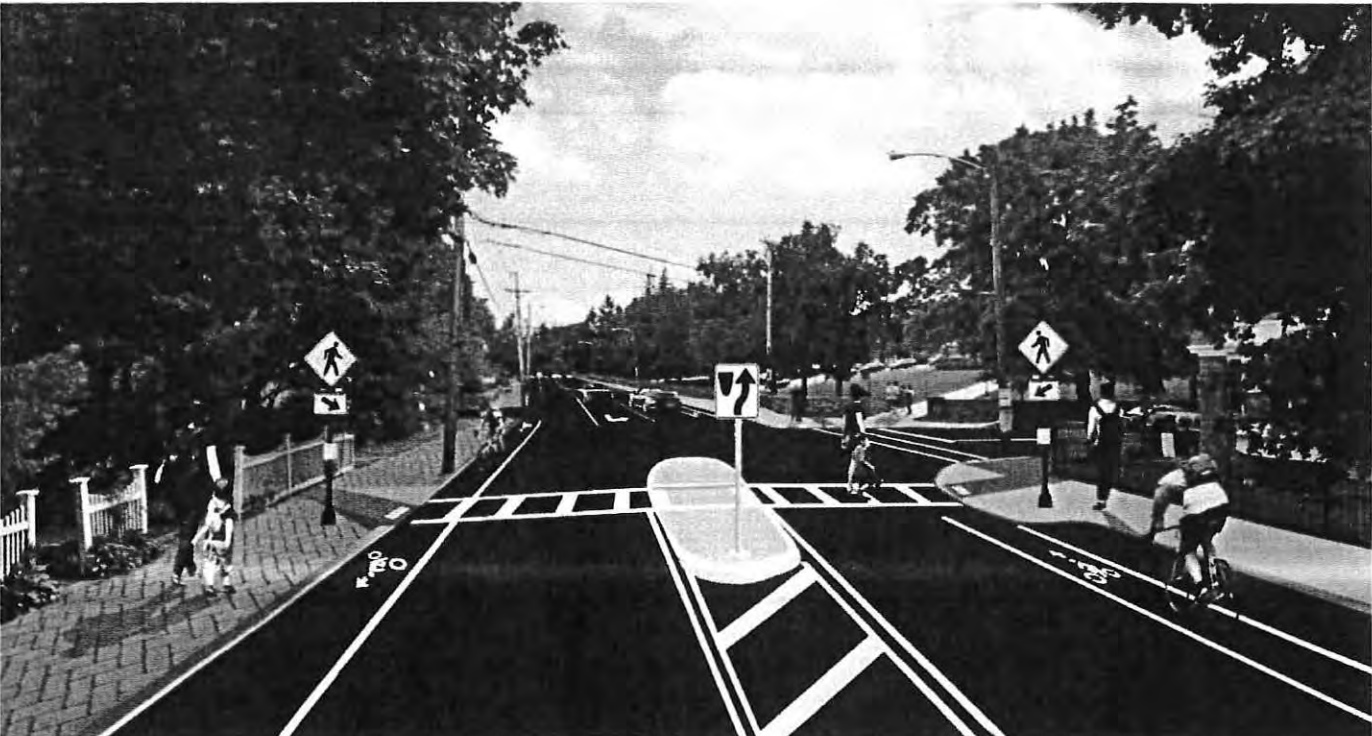


High Street Safe Routes to School (SRTS) Project

High Street (Before)



High Street (After)



December 10, 2018
Committee Items-Public Safety

- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones
- **ORDR079_11_26_18** Holiday Parking

p5

September 4, 2018

Mayor Donna Holaday
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

The residents of East Boylston Street have decided to come together and write this concerning the condition and safety of our road. For over 8 years we have been asking the town to address the following three issues with our road:

1. The safety of trying to pull out of East Boylston St onto State Street.
2. The drainage problems at the bottom of the street.
3. The paving of the street.

We have been repeatedly told the city understands the concern. We have also been told there was \$60,000 in the budget to fix the road, which was a relief. Last week we again met with Jared Eigerman, our City Councilor, and learned the budget seems to have disappeared.

Last year, with the help of City Councilor Jared Eigerman, the city DPW did cut down a maple tree and removed one parking space on State Street to try and address the first issue mentioned above. Unfortunately, the safety of pulling out is still a big problem. It is an extremely blind place to pull out. A car has to creep out slowly into the on-coming traffic coming from High Street to the Rt 1 traffic circle to see beyond the parked cars. In order to get out far enough to see your car is already in danger covering half the lane directly in the line of traffic. There have been so many close calls. This is our top priority as the safety of our families, friends and anyone pulling out every day is at risk at this intersection. We are sure a traffic/transportation engineer would agree with our safety concern. This MUST be addressed immediately.

The DPW has looked at the drainage problem and it has been proposed that a storm water catch basin be installed. It may very well be fixable with the proper pitch of the street when the street is repaved taking care of two problems and save a lot of money.

As far as the paving of the street, for over 18 years the street has again become inhabited after remaining vacant for many years. Five beautiful homes have been built with a significant tax contribution to the city every year. The residents have invested heavily in street curbing, street patching, landscaping and maintaining of the city property. Every winter the pot holes re-open. The fundamental problem is the street has never been paved by the city since any of these houses have been built.

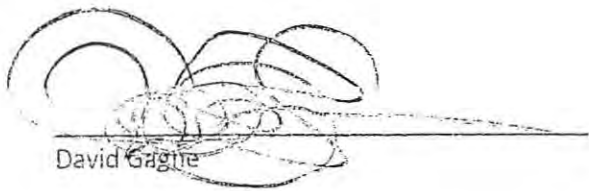
We understand the city does not have unlimited funds and has many priorities. We are willing to pitch in to potentially co-fund or pay to do some of the work directly such as removing the old street or towards the new paving, which ever makes sense, considering the prevailing wages the city has to pay vs. what we as the residence may be able to competitively get for pricing, all the while, following city street specifications inspections ... We are saying we would be willing to work with you to create a solution to save the city money and fix the road.

We would like to meet with you to find a way to get our street condition and safety fixed.

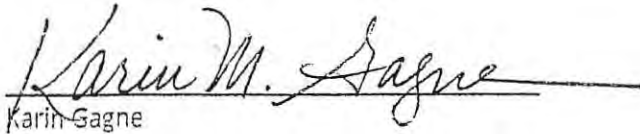
Hoping this finds you understanding, we remain,

Sincerely,

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NEWBURYPORT MA
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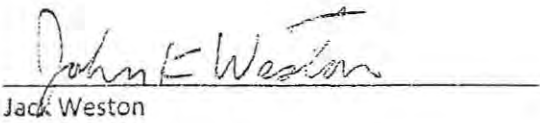
David Gagne



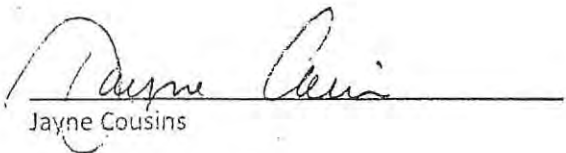
Karin Gagne



Barbra Roche



Jack Weston



Jayne Cousins



John Reppucci



Lisa Reppucci



Dan Wittner



Katchen Wittner

Cc: Jared Eigerman

PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Date: October 29, 2018

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-175	Two Hour Parking

Amend existing Section as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Street	Extent
Center	From Liberty Street to Water Street, both sides
Fair	From Liberty Street to Middle Street, both sides
Green	Westerly side from Washington Street to Pleasant Street
Liberty	From Fair Street to Independent Street, both sides
Liberty	Northerly side from Independent Street to Federal Street
Market	From Washington Street to Merrimac Street, both sides
Pike	From Liberty Street to Water Street
Prospect	Southerly side from Fruit Street to Federal Street

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 26, 2018

Free Parking During 2018 Holiday Season

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT, in conjunction with the Office of the Mayor, hereby suspends the collection of parking fees in all parking lots participating in the city's paid parking program from December 20, 2018 to December 25, 2018. A sign will be hung on the parking kiosks stating "Free Parking - Seasons Greetings from the Citizens of Newburyport".

Councillor Larry G. Giunta, Jr.

Councillor Barry N. Connell